

## **Arapahoe County Public Records Policy**

**Approved by the BOCC: February 9, 2021**

**Purpose:** The purpose of this policy is to assure prompt and equitable service to citizens requesting access to public records, including those records created by electronic mail, in accordance with the requirements of the Colorado Open Records Act, C.R.S. §§ 24-72-201, *et seq.* (“CORA”).

**Definitions:** The definitions found in C.R.S. § 24-72-202, as amended from time to time, shall control and apply herein. Of particular importance, the following terms shall have the following designated meanings:

“**Public records**” means “all writings made, maintained, or kept by the state, any agency, institution, ... or political subdivision ... for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.” C.R.S. § 24-72-202(6)(a)(1). The following are excluded from this definition: criminal justice records, work product, other exceptions to the statutory definition of “public records” as described in CORA, and other documents specifically exempt from disclosure under CORA or any other provision of law.

“**Writings**” include “all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Writings includes digitally stored data, including without limitation electronic mail messages, but does not include computer software.” C.R.S. § 24-72-202(7).

**Scope:** This policy applies to all requests for public records made to the Board of County Commissioners and Arapahoe County departments and offices, except if any county elected official has adopted an alternative public records policy then that office’s policy applies.

**General Policy:** It is the policy of Arapahoe County to make public records available for public inspection as set forth in CORA.

### **Policies and Procedures:**

A. Request: All requests for public records shall be to the custodian of records, as defined in CORA, for the department or office that maintains such records and shall be as specific as possible. If requested by the custodian, requests shall be made in writing. If public records requested are not in the custody or control of the person to whom application is made, such person shall forthwith notify the requestor of this fact and shall state, to the best of the person’s knowledge and belief, the location of the records and what person has custody or control of the records. The County will respond to requests made pursuant to CORA within three (3) working days whenever possible. If the request is voluminous or extenuating circumstances apply, the custodian of the records will notify the requestor, in writing, that access for inspection or delivery of the records may be delayed.

B. Inspection of Public Records:

1. In order to safeguard the integrity of the records, the custodian of the records to be inspected shall retain control of the records at all times. Inspection of all public records is subject to the supervision of the records custodian. Inspection of public records will generally be scheduled during the business hours of 9:00 a.m. to 4:00 p.m., Monday through Friday, except holidays.

2. Please note, the County may require the requestor to inspect only copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of the County or its staff or production of original records could jeopardize the condition of the requested records.

3. Requestors who have not come in to view the requested information within ten (10) working days of being notified that the records are available for review will be required to submit a new public records request.

C. Denial of Inspection: Access to public records may be denied in accordance with the provisions of CORA. If requested by the requestor, the custodian of the records will notify the requestor in writing of the grounds for the denial.

D. Fees and Charges: Fees and charges for public records shall be as follows:

1. Copies and Research and Retrieval

a. The custodian may charge twenty-five cents (\$.25) per standard page for a hard copy of a public record, or a fee not to exceed the actual cost of providing a hard copy of a public record in a format other than a standard page.

b. The fee for an electronic copy of any public county record will depend on whether the records will need to be copied onto an external device. Production via email is free, subject to any research, retrieval, and redaction fee. If storage onto an external device is required, the requestor will be charged the cost of the device.

c. The fee for research, retrieval, and redaction of protected and/or confidential information (if applicable) is \$30 per hour, with the first hour free.

2. Data Manipulation

a. The records custodian may refuse any request requiring data manipulation on the basis that CORA does not require manipulation.

b. If records are produced after the manipulation of data done for the benefit of the requestor, the records custodian may set a fee for such records. Such

fee shall not exceed the actual cost of manipulating said data and generating said record in accordance with the request.

3. Advance Payment

a. The records custodian may require prepayment of estimated costs and shall gather and send the requested records upon receiving such payment, unless any portion of such costs has been waived by the custodian.

E. Research by Requestor: Independent research by the requesting party is allowed at the discretion of the records custodian, provided that:

1. Records to be researched do not include privileged documents or documents not otherwise subject to public disclosure as provided by law;

2. Research is supervised to avoid loss or damage to records. Staff time spent on supervision shall be subject to the research and retrieval fee provided above;

3. Research does not unduly disrupt the day-to-day activities of the department or office; and

4. Records/documents being researched are returned to the files in the same order and condition as when they were removed.